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#4

In re Application of	:	DECISION ON
Kunio SEKIYA	:	
Serial No.: 09/486,483	:	
PCT No.: PCT/JP99/05023	:	PETITION UNDER
Int. Filing Date: 14 September 1999	:	
Priority Date: 25 September 1998	:	
Attorney's Docket No.: 24555-001	:	37 CFR 1.10(c) and 1.181
For: POLLUTION PREVENTION METHOD FOR	:	
CANVAS USED IN PAPER MACHINE	:	

This decision is in response to applicant's "PETITION TO ACCORD CORRESPONDENCE FILING DATE SHOWN ON EXPRESS MAIL LABEL 'DATE-IN'", treated as a petition under 37 CFR 1.10(c) and 1.181, filed in the United States Patent and Trademark Office (USPTO) on 11 October 2001, to accord a filing date of 23 March 2001 to the above-identified application papers. No petition fee is required.

**BACKGROUND**

On 14 September 1999, applicant filed international application No. PCT/JP99/05023, which claimed a priority date of 25 September 1998 and which designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 06 April 2000.

A Demand was filed with the International Preliminary Examining Authority electing the United States. As a result the deadline for payment of the basic national fee was to expire 30 months from the priority date, or on 25 March 2001.

On 23 March 2001, applicant filed, via Express Mail, a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee. The United States Designated/Elected Office (DO/EO/US) accorded a filing date of 23 March 2001 to the

itemized post card receipt.

On 16 May 2001, a Notice of Cancellation of Assigned Serial Number was mailed to applicants indicating that the documents filed under 35 U.S.C. 371 to enter the national stage before the U.S. Designated/Elected Office were received by the U.S. Patent and Trademark Office on 23 March 2001, assigned serial number 09/806,021 and were misplaced. Copies of the documents were refiled on 16 May 2001 by facsimile and assigned 09/486,483. Applicants were notified that 09/806,021 was canceled and future filings should reference 09/486,483.

On 01 August 2001, the United States Designated/Elected Office mailed a Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (FORM PCT/DO/EO/903) which indicated a 35 U.S.C. 371 date of 04 April 2001.

On 11 October 2001, applicant filed the present petition requesting a corrected filing date, and included a copy of the Customer Receipt of the "Express Mail" mailing label #EJ229640116US and an itemized postcard receipt date-stamped by the USPTO "23 MAR 2001".

### DISCUSSION

A review of the application file reveals that the original Transmittal Letter and associated papers as well as Express mailing label #EJ229640116US are not contained therein. Applicant's copy of the Express Mail label #EJ229640116US was addressed to the "Box PCT, Assistant Commissioner for Patents, Washington, D.C. 20231" and bears the US Postal Service (USPS) date-stamp of 23 March 2001. The entry in the "Date In" box on the Express Mail Customer Copy is illegible. A copy of the itemized postcard receipt bearing the Express Mail #EJ229640116US is date-stamped by the USPTO "23 MAR 2001".

The USPTO date-stamped, itemized postcard receipt bears the attorney docket number and Express Mail #EJ229640116US and indicates that the "transmittal letter for National Stage entry, patent application under 371(25 pages), declaration and power of attorney, drawings (9), assignment, information disclosure statement, PTO-1449 (4 references), authorization to charge deposit account \$1198.00 and \$40.00, transmittal for amendment to claims, PCT Article 19 and amendments-English translations" were deposited with the USPTO on 23 March 2001 and was preliminarily assigned U.S. serial number 09/806,021.

The evidence submitted, a copy of a postcard receipt with a USPTO mailroom stamped date of 23 March 2001 itemizing the submission for national stage entry, is sufficient to establish that the papers for national stage entry for this application were received in the USPTO on 23 March 2001. The petition was accompanied by a copy of the Certificate of Mailing under 37 CFR 1.10 and a copy of the Express mail label for #EJ229640116US which was also date-stamped by the USPS "23 March 2001". Accordingly, it is appropriate to accord the date of

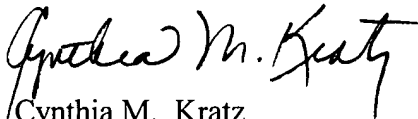
receipt of the above mentioned papers a date of 23 March 2001.

**CONCLUSION**

Applicant's petition requesting that the national stage papers be accorded a receipt date of 23 March 2001 is **GRANTED**.

The Notification of Acceptance (FORM PCT/DO/EO/903) mailed on 01 August 2001 and the filing receipt issued in this case are **VACATED**.

The application is being returned to the DO/EO/US for processing in accordance with this decision, that is, for according the national stage papers a receipt date of **23 March 2001** and issuance of a new Notification of Acceptance (FORM PCT/DO/EO/903) indicating a 35 U.S.C. 371 date of **23 March 2001** and for a corrected filing receipt indicating a "Filing Date" of 23 March 2001.



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